

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1536

SPONSOR: Senator Sebesta

SUBJECT: Supervisors of Elections; provides for nonpartisan election of supervisors of elections

DATE: February 21, 2002      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rubinas</u>	<u>Rubinas</u>	<u>EE</u>	<u>Favorable</u>
2.	<u>Bowman</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

Senate Bill 1536 requires the supervisors of elections to be elected on a nonpartisan basis.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: ss. 98.015, 101.151, 105.031, 105.035, 105.041, 105.051, 105.061, 105.08, and 105.09.

**II. Present Situation:**

Each of Florida’s 67 counties has a supervisor of elections whose responsibilities include voter registration and the conduct of elections.

Pursuant to Article VIII, section 1(d), of the State Constitution, the supervisor of election is a county officer to be elected upon the vote of the electors; except, the supervisor of elections may be chosen by another method when provided by county charter, or by a special law approved by the vote of the electors. As the constitution has been applied by Florida counties, the majority of supervisors of elections are generally elected to four-year terms in partisan elections. However, supervisors from Volusia and Polk Counties currently run in nonpartisan elections under their respective county charters. The supervisor of elections in Miami-Dade County, pursuant to its home rule charter, is appointed by the Miami-Dade County Manager.

Section 98.015, F.S., governs the election, compensation, operations and duties of the office of supervisor of elections. Section 98.015(1), F.S., provides that a supervisor of elections shall be elected in each county at the general election in each year the number for which is a multiple of four for a four-year term starting on the first Tuesday after the first Monday in January succeeding his or her election.

Section 101.151, F.S., prescribes the content and order of ballots for partisan elections.

Chapter 105, F.S., establishes the qualification, election and campaign reporting requirements for nonpartisan elections. The majority of these provisions apply to the nonpartisan election of circuit court, county court, and school board members.

### **III. Effect of Proposed Changes:**

The bill requires all supervisors of elections to be elected on a nonpartisan basis, except for the supervisor of elections of Miami-Dade County. SB 1536 conforms the qualifying procedures of supervisors to be consistent with candidates for judicial office and the office of school board member which candidates run in nonpartisan elections. The bill makes conforming amendments to s. 101.151, F.S. (specifications for ballots), s. 105.031, F.S. (qualifying and fees), s. 105.035, F.S. (alternative method of qualifying), s. 105.041, F.S. (form of ballot), s. 105.051, F.S. (determination of election to office), s. 105.061, F.S. (electors qualified to vote), and s. 105.08, F.S. (campaign reporting), and s. 105.09, F.S. (limitations on political activity on behalf of a candidate).

**Section 1** of the bill amends s. 98.015, F.S., which provides for the method of election of supervisors of elections to provide that election must be nonpartisan.

**Section 2** of the bill amends s. 101.151, F.S., which describes the specifications for ballots, and the order of offices appearing on the ballot, to delete supervisors of election from the operation of the section.

**Section 3** makes a number of changes to chapter 105, F.S including, governing nonpartisan elections, to specify the supervisor of elections as one of the offices for which the nonpartisan election procedures apply. These conforming changes are made to: 101.151, F.S. (specifications for ballots), s. 105.031, F.S. (qualifying fees, candidates oath, filing requirements), s. 105.035, F.S. (alternative method of qualifying), s. 105.041, F.S. (form of ballot), s. 105.051, F.S. (determination of election to office), s. 105.061, F.S. (electors qualified to vote), s. 105.08, F.S. (campaign reporting), and s. 105.09, F.S. (limitations on political activity on behalf of a candidate).

**Section 4** of the bill provides an effective date of January 1, 2003.

### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The political parties will realize a loss from the filing fees and party assessments of candidates for supervisor of elections who currently run on a partisan basis. The political parties receive the 2 percent party assessment and the 3 percent filing fee from partisan candidates for supervisors of elections. In addition, nonpartisan candidates for supervisor of elections who pay a qualifying fee would see a reduction in the fees since they would not be required to pay a party assessment.

C. Government Sector Impact:

Election officials would be relieved of the administrative costs associated with the collection and remittance of the party assessment and filing fee monies for candidates seeking the office of supervisor of elections.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.